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ROBERT BAZEMORE,	:	
Plaintiff,	: :	ORDER OF DISMISSAL
- against -	:	11-CV-6140 (ENV)(VVP)
CAPTAIN LODGE #545, et al.,	; ;	
Defendant.	:	

VITALIANO, D.J.

On February 8, 2013, Magistrate Judge Victor V. Pohorelsky issued a Report and Recommendation that plaintiff's complaint be dismissed for failure to prosecute. Neither plaintiff' nor defendant objected to the Report and Recommendation within the time prescribed by 28 U.S.C. § 636(b)(1).

In reviewing a magistrate judge's Report and Recommendation, this Court "may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate judge." *Id.* "To accept the report and

<sup>&</sup>lt;sup>1</sup>The copy of the Report and Recommendation mailed to plaintiff's last known address was returned as undeliverable. Plaintiff's whereabouts have become a major issue in the case, as Judge Pohorelsky documented in his findings. Plaintiff has not contacted the Court since filing his case in December 2011. Efforts to contact plaintiff have proved futile, causing the Court issuing two orders, dated July 18, 2012 and August 23, 2012, directing plaintiff to provide updated contact information to the Clerk of Court. Both were returned as undeliverable.

recommendation of a magistrate judge, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." Cheema v. Trans Union L.L.C., No. 1:09-cv-00140, 2010 WL 2540309, at \*1 (E.D.N.Y. June 17, 2010) (quoting Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y.

1985)).

The Court finds Judge Pohorelsky's Report and Recommendation to be correct, well-reasoned, and free of any clear error. The Court, accordingly, adopts the Report and Recommendation in its entirety.

Conclusion

For those reasons, this action is ordered dismissed. It is further ordered that the Clerk of Court mail a copy of this order to plaintiff, enter judgment accordingly, and close this case. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore <u>in forma</u> pauperis status is denied for the purpose of an appeal. See <u>Coppedge v. United States</u>, 369 U.S. 438, 444-45 (1962).

SO ORDERED

DATED:

Brooklyn, New York

February 27, 2013

s/ ENV

ERIC N. VITALIANO U.S.D.J.